

ECF Case

WHEREAS, the Court is satisfied that the Commission has made a sufficient and proper showing in support of the relief sought in its application, and therefore:

I.

IT IS HEREBY ORDERED that Respondent shall produce all documents responsive to the Subpoena within his possession, custody, or control to the Commission by no later than 5:00 p.m. on December 6, 2013 by sending or delivering them to Karen M. Lee, Attorney, Securities and Exchange Commission, New York Regional Office, Brookfield Place, 200 Vesey Street, New York, NY 10281-1022. If Respondent claims any privilege or protection over any documents responsive to the Subpoena, he shall, by the same time and using the same delivery method, provide the Commission with, for each document or similar group of documents, (a) a written description of the type of document withheld, e.g., e-mail, letter, or memorandum; (b) the general subject matter of the document; (c) the date of the document; and (d) the author(s) of the document, the addressee(s) of the document, and any other recipient(s), and, where not apparent, the relationship of the author(s), addressee(s), and recipient(s) to each other.

II.

IT IS FURTHER ORDERED that, if Respondent does not have documents within his possession, custody, or control that are responsive to the Subpoena issued to Respondent or to any one or more requests contained in the Subpoena, Respondent will submit a sworn statement to the Commission describing the efforts he made to locate responsive documents and the results of those efforts by no later than 5:00 p.m. on December 6, 2013, by sending or delivering the statement to Karen M. Lee, Attorney, Securities and Exchange Commission, New York Regional Office, Brookfield Place, 200 Vesey Street, New York, NY 10281-1022.

III.

IT IS FURTHER ORDERED that Respondent shall appear to provide sworn testimony before the Commission at Brookfield Place, 200 Vesey Street, Suite 400, New York, New York, 10281-1022, on Friday, December ~~13~~, 2013 at 10:00 a.m.

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IV.

IT IS FURTHER ORDERED that, if Respondent does not produce the documents or statements described in paragraphs I and II above by 5:00 p.m. on December 6, 2013, or does not appear for testimony on December ~~13~~, 2013, at 10:00 a.m., the Commission will have established a prima facie case of civil contempt against Respondent for his failure to comply with this Order and Respondent may be held in civil contempt for failure to comply with this Order.

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V.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon Respondent by any one or more of the following service methods: (1) mailing this Order on or before 8:00 p.m. on November 14, 2013, using United Parcel Service overnight delivery or any other overnight delivery service, to his residences at (i) 215 Terrace Place, #2, Brooklyn, New York, (ii) 110 Soundview Terrace, Northport, New York, and (iii) 200 North End Avenue, Apt. 8F, New York, New York 10282; or (2) personally serving Respondent with a copy of this Order on or before 8:00 p.m. on November 14, 2013.

SO ORDERED.

Dated: Nov. 13, 2013
New York, New York

Kimba M. Wood
HON. KIMBA M. WOOD

Part one